1942 **File No.** S.O./42

Legal Deptt

C **BRANCH** P.35(E)/1942

Subject:— Standing Orders issued in the Year 1942

File No. S.O /42

Gen. 194 e.

23-C

C O N T E N T S

Legal Department. Misc Volume. I.C. of 1942.

Sr. No.	Compilation No.	Subject	Pages
1.	G.H.F.D. C.D. 5083/38-III 5-1-42 R.I.No. G-Confl/5-1-42	Government appointments concessions in the matter.	1
2.	G.H.F.D. C.D. 4027/38-III 16-1-42 R.I.No. 765/21-1-42	---- Do----	3.
3.	G.H.F.D. C.D. 5611/38 14-2-42 R.I.No. 1970/2502-42	Holidays. Curtailment of - in war time.	5-21
4.	F.D. circular 5204/38 16-3-42 R.I.No. 2938 /26-3-42	Casual 'leave' Prefixing or affixing of sundays to..	23
5.	G.H.F.D. 7211 13-4-42 R.I.No. 3566/3-4-42	Hours of work Bombay and Mofussil officers.	25-27
6.	G.H.F.D. circular 5726/38 24-4-42 R.I.No. 4013/29-4-42	Dress-Relaxation in office attire.	29-31
7.		Ref note of J.S. asking all Secy's of a Dept. to be present in his room at 12 noon on 24-4-42	33
8.	G.H.F.D.		
9.	G.H.F.D. 3968 22-4-42 R.I.No. 4811/27-5-42	Cheque-Acceptance of Government treasures.	35-39
10		Proposal for filing an appeal in Cr. case and is governed by item No. 7.	41-47
11	F.D. S.D. circular 7117 27-5-42	Hours of work- Sunday and Mofussil officer.	49
12	G.H.F.D. 9178/38(confl). 15-7-42 R.I.No. 2938confl/30-7-42	Confidential Records Collectors and District Magistrates. Inspection of --	1-53

Sanctd.
25-5
5 copies

13	P.& S.D. circular memo 6303/34 dt 19-9-42	Government servants. Resignations of tendered for political reasons:-	55
14	G.R.P.&.S.D. 2263/34 5-3-42 R.I.No. 93Conf1/11-3-42	Confidential Reports maintenance of	57-63
15	G.R.P.& S.D. 2263/34 3-6-42 R.I.No. 219-Conf1/9-6-42	------do------	65-69
16	G.R.P.& S.D. 7117 7-10-42 R.I.No. 10568-A/7-10-42	Hours of work. Bombay and Mofussil offices.	71
17	P.W.D. circular 6190/36 6-10-42 R.I.No. 382/8-10-42	Officers should take utmost care is exercised when closing and locking up buildings.	73
18	P.&.S.D. circular 6446/34 14-11-42 R.I.No. 441-Conf1/20-11-42	Service postage stamps and envelopes use of -	75
19	P.& S.D. circular 604/34 B 4-12-42 R.I.No. 12210/5312-42	official correspondence From t disposal of -	77
20	P.& S.D. endo p.13-B 23-12-42 R.I.No. 12612/23-12-42	A decision to restrict the 'X' mas holidays.	79
21	P.&.S.D.(Home) S. 45/6 19-4-42 R.I.No. 121616/ 22-12-42	Pending the receipts-the charge report of taking charge and specific orders of appointment-as required by rule 704 of the B.C.S.R	81-85

S.A.K.
25-5
5 copies

CONFIDENTIAL.

Government resolutions.
Concessions in the matter of - to be given to persons entering the [illegible] subordinate and inferior [illegible] who have rendered service in connection with the prosecution of the present war.

Confidential.
Political and Services Department.
Resolution No. [illegible]/34.
Bombay Castle, 5th January, 1942.

Read Government resolutions, Political and Services Department, No. [illegible] dated the 10th November 1941.

Resolved :- Government is pleased to adopt provisionally the following definition of the expression "approved war service" for the purpose of the concessions laid down in Government resolutions, Civil and Judicial Departments, Nos. 4083/34-I and 4 83/34-II, dated the 10th November 1941:-

(a) Service of any kind in a unit or formation liable for service overseas.

(b) Service in India under military, munitions or stores authorities with a liability to serve overseas when required.

(c) All other service involving subjection to naval, military or air forces law.

(d) A person in training with a military unit or formation involving liability to serve overseas when required.

2. As the decision is provisional, the definition should also by kept on record in the Department at present and should not be communicated to Heads of Departments and Officers under the Department of the Secretariat or to any other persons outside the Secretariat.

By order of the Governor of Bombay.

H.E.Kirpalani.

Chief Secretary to the Government of Bombay.
Political and Services Department.

To

All Departments of the Secretariat
(except the Separate Department).

S.A.:

Secy. of the Political and Services Department Note, dated the 20th March 1940.

"The Provl. Advisory Committee for war emergencies has agreed that both Govt. Offices and their offices should be opened earlier to allow the staff to be released in time to enable them to get to their homes before the hours during which blackout lighting regulations are observed. It has been recommended that the Govt. Offices should be opened an hour earlier.

The Commr. of Police has reported a rumour that the office time of Govt. and other offices will be fixed from 9-30 a.m. to 5-30 p.m. on account of the war situation. Secy. H.D. has stated that the rumour might be considered for skeptics and s(..) is in favour of the proposal but, he has stated that the departments would have to be consulted first. The matter has been referred to this Department for disposal.

2. The orders in respect of the hours of office work have been issued in the G.Rs. mentioned in the margin.

(i) G.R.P.W.&D. No. [illegible] dated the 13-12-1936	1
(ii) G.R.P.W.&H. No. 7117, dated the 1-2-1937	1
(iii) G.R.P.W.&H. No. 7117, dated the 6-12-1937	1
(iv) G.R.P.W.&H. No. 711[illegible], dated the 7-[illegible]-1939.	1

(i) The first G.R. fixed the hours of work for the Secretariat Staff as follows:-

On week days - 10-45 a.m. to 5-30 p.m. (without any grace)
On Saturdays - 10-45 a.m. to 2-0 p.m. (without any grace)

The Secretaries are authorised to give a recess of half an hour on all working days except Saturdays to those members of the staff who require it.

(ii) The second G.R. fixes the Ministerial hours of work for Govt. offices in Bombay City (other than the Secretariat and other than those for which hours are prescribed by the High Court). The recess in this case is granted by Heads of offices.

Further, the G.R. fixes the hours of work for all mofussil offices as follows:-

Week days 11 a.m. to 6 p.m. (without any grace)
Saturdays 11 a.m. to 2-15 p.m. (-do-)

The local Head of the Department and in the case of Bombay City the Head of the office, are authorised to prescribe other hours of equivalent length, if they consider this necy. to meet local requirements.

(iii) The third G.R. makes it clear that all Head of Offices are authorised to transfer where

S.A.K.
.3-5
4 copies

necessary, the half holiday on Saturday to any other working day on which the local bazar is held. In such cases, the working hours on Saturday should be those prescribed for weekdays.

(iv) The fourth G.R. fixes the hours of work for peons in all Govt. offices in Bombay City (other than offices under the control of the High Court) as follows:-

Week days -10 a.m. to 7 p.m.
Saturdays-10 a.m. to 4-30 p.m.

The Heads of Offices have been authorised to prescribe the hours of work on week days as from 9-30 a.m. to 9-30 p.m. to suit exceptional cases. On Saturdays peons may be required to wait after 4-30 p.m. by turns as may be necessary.

The Heads of Offices have also been authorised to give as recess upto one hour on Week days and upto half an hour on Saturdays to those peons who require it.

3. The following points arise:-

(1) Whether the suggestion to open offices one hour earlier should be accepted.

(2) If so, whether the suggestion should be applied to Bombay City as well as all the areas in the Province which will have to be specified where lighting restrictions are enforced.

(3) What should be the exact hours of work for for week days and Saturdays i.e. to say whether the closing hour should be advanced by one hour.

The Sectt. Deptts. may be consulted on these points. A copy of this note may be endorsed to all Departments of the Sectt. for arriving at an early decision. The H.D. may be requested to offer remarks on point (2) also.

4. If the suggestion to open offices earlier is accepted, this Deptt. may prescribe the following hours of work:-

Offices in Bombay City (including Sectt. Departments.)

Week days - 9-45 a.m. (without any grace) to 4-30 p.m.
Saturdays -9-45 a.m. (without any grace) to 1 p.m.

The Secretaries to Govt. and the Heads of office in the City, respectively, may be authorised to give recess upto half an hour on all working days except Saturdays to those members of the staff who require it.

S.A.K.
23-5
4 copies

Offices in Mofussil (where lifting restrictions are enforced.)

Week days 10 a.m. (without any grace) to 5 p.m.

Saturdays 10 a.m. (-do-) to 1-15 p.m.

Perhaps it would not be necy. to authorise the local Heads of Departments and, in the case of Bombay City, the Heads of Offices to prescribe other hours of equivalent length. The Heads of Offices may however be authorised to transfer, where necessary, the half old-day on Saturday to any other working days on which the local bazar is held. In such cases the working hours on Saturdays should be those prescribed for week days.

Hours of work for peons in Bombay City (including the Secretariat).

Week days 9 a.m. to 6 p.m.

Saturdays 9 a.m. to 3-30 p.m.

The Heads of Offices need not be authorised, as formerly, to prescribe the hours of work half an hour earlier i.e. on week days as from 8-30 a.m. to 5-30 p.m. It may, however, be laid down, as formerly, that the peons may be required to wait after the closing hour on Saturday i.e. 3-30 p.m. by turns as may be necessary.

The Secretaries to Govt. and the Heads of Offices respectively, may be authorised to give recess upto one hour on week days and up to half an hour on Saturdays to those peons who require it.

The Govt. Departments may consider the above suggestions also. No action in respect of private firms and commercial houses is necy., as they will follow suit, if they consider it necy.

(Through A.C.D.S.War P.R.& Passport)

----Id----

Id/-
9-3-42
Id/-
9-3-42.

Id/- U.K.H(Secy).
9-3
All Deptts. of the Secty. may be consulted.

Id. J.C. (Naves/).
10-3

Id.H-H.A(Irpelavi)
10-3

----X----

VERY URGENT Re. .....

S.A.K.
21-3
4 copies

Very Urgent.

No. 7117-S
Political and Services Department.
Bombay Castle, 11th March 1942.

Forwarded to all Departments of the Secretariat for favour of very urgent remarks

By order of the Governor of Bombay

sd/-

Secretary to the Government of Bombay
Political and Services Department.

S.A.K.
23-5
4 copies

Submitted.

3. These p...s relate to the question raised regarding opening of offices earlier to allow the staff to be released in time to enable them to get to their ~~destination before the hours during~~ which black-out lighting regulations are observed.

5. The P.& G.D. has raised the following three points:-

(1) whether the suggestion to open offices earlier should be accepted;

(2) if so, whether the suggestion should be applied to the City of Bombay as well as all the areas in the Province which will have to be specified where lighting restrictions are to be enforced;

(3) that should be the exact hours of work for week days and Saturdays that is to say whether the closing hour should be advanced by one hour.

The P. & G.D. has referred the papers to ~~Secretariat~~ Departments of the Secretariat for arriving at an early decision as far as points (1) and (3) are concerned.

4. The P.& G.D. has suggested in that Deptt. office hours as far as that Deptt. is concerned the following office hours:-

Offices in Bombay City(including Secretariat Departments).

Week days... 9-45 a.m. (without any grace)
to 4-30
Saturdays... 9-45 a.m. (without any grace)
to 1 p.m.

The Secretaries to Govt. and Heads of office in the City, respectively, may be authorised to give recess upto half an hour on all working days except Saturdays to those members of the staff who require it.

Offices in mofussil (where lighting restrictions are enforced)

Week days..... 10-amm. (without any grace)
to 5 p.m.
Saturdays..... 10 amm. (without any grace)
to 1-15-p.m.

Hours of work for peons in Bombay City (including the Secretariat)

Week days ....9 a.m. to 6p.m.

Saturdays.....9 am. to 3-30 p.m.

The Heads of offices need not be authorised, as formerly, to prescribe the hours of work half an hour earlier, i.e. on week days as form 8-30 amm. to 5-30 p.m. It may, however, be laid down as formerly that the peons may be required to wait after the closing hour on Saturdays i.e. 3-30 p.m. by turns as may be necessary.

The Secretaries to Govt. and the Heads of offices respectively may be authorised to give recess upto one hour on week days and upto half an hour on Saturdays to those peons who require it.

5 As regards point (2), this Department may agree tothe suggestion to open offices ~~to give~~ one hour earlier, that is to say, the hours of opening of offices as proposed in para. 4 of the P.& S.D. note dated 9-3-42 may be accepted.

6. As regards point (3):- The object underlying the opeing- opening off offices one hour earlier is to allow the staff to be released in time to enable them to get to their homes before the hours during which black-out lighting restriction are observed. It does not seems to be the intention of Govt. to increase the pre seat working that is so, then this Department may suggest that the present hours of work may

S.A.K.
23-5
5 copies

unchanged and the closing hours may be as suggested in para. 4 of the P.& S.D. note. Otherwise this deptt. is not in favour of any change in the present number of working hours, and in the opening and closing time too.

sd/-
14-3

L.D. is not concerned with offices inmofussil. So far as offices in the City are concerned the suggestion made in para. 4 of P.& S.D. note dated 9-3-42 appears to be suitable and perhaps be agreed to by L.D. If approved the P.& S.Deptt. may be informed in reply to Govt. Memo. no. 7117-S dated the 11th March 1942. that so far as offices in the City of Bombay are concerned the L.D. agrees to the timing suggested in para. 4 of the P.& S.Deptt. note dated 9-3-42 and that it has no remarks to make as regards office time in the mofussil.

sd/-
13-3

A.S. I have ascertained that the change will not cause serious inconvenience to the members of the of the offices; I am fact a majority favour the change proposed
Reply may be as at A.

A.S. [illegible]
13-3

FRY URGENT. No. 2358.

Legal Department.
Bombay Castle, 16th March 1942.

MEMORANDUM.

The undersigned presents compliments to the Chief Secretary to the Government of Bombay, Political and Services Department and with reference to that Department endorsement No. 7117-B. dated the 11th March 1942, is directed to state that so far as offices in the City of Bombay are concerned, this Department agrees to the timing suggested in paragraph 4 of that Department note dated 9th March 1942 and that h this Department has no remarks to make as regards office thime in the mofussil.

M.K.D.
16-3-

For Secretary to the Government of Bombay,
Legal Department.

To
The Chief Secretary to the Government of Bombay,
Political and Services Department.

S.A.K.
25-5
4 copies

Immediate. No. 3566
G/ 13-4-42 Hours of work.

Bombay and Mofussil Offices.

Government of Bombay.
Political and Services Department.
Resolution No. 7117.
Bombay Castle, 13th April 1942.

Resolution of Government.

In supersession of all previous orders on the subject, the Government of Bombay is pleased to prescribe, with immediate effect, the following hours of work for Government offices, including the Secretariat, in Bombay City and the Bombay Suburban District, other than those offices for which hours are prescribed by the High Court:-

Week days 10-0 A.M. (without any grace) to 5-0 P.M.
Saturdays 10-0 A.M. (without any grace) to 1-30 P.M.

The Secretaries in the Departments of the Secretariat and the Heads of Offices in Bombay City and the Bombay Suburban District are authorised to give a recess upto half an hour on all working days except Saturdays to those members of the staff who require it.

2. As regards the Government offices in the mofussil (excluding the Bombay Suburban District), the Commissioners of Division concerned are authorised with reference to paragraph 2 of Government Resolution, Political and Reforms Department, No. 7117, dated the 1st May 1937, to prescribe advanced hour for offices in places selected by them and should report to Government the action taken..

3. Government is pleased further to prescribe the following hour of work for peons in all Government Offices in Bombay City other than offices under the control of the High Court:-

S.A.K.
25-5
4 copies

Week days 9-15 A.M. to 6-30 P.M.
Saturdays 9-15 A.M. to 4-0 P.M.

The Heads of Offices are authorised to prescribe the hours of work as from 8-15 A.M. to 6-0 P.M. to suit exceptional cases. On Saturdays, peons may be required to wait after 4-0 P.M. by turns as may be necessary.

The Head of Offices are also authorised to give a recess upto one hour on week days and upto half an hour on Saturdays to those peons who require it.

By order of the Governor of Bombay,

M.K.Kirpalani,
Chief Secretary to the Government of Bombay,
Political and Services Department.

G.R.No.7117, P. and S.D. , dated the 13th April 1942.

To

The Secretary to the Governor,
The Accountant General, Bombay,
*The Prothonotary and Senior Master, High Court, Bombay
*The Registrar, High Court, Appellate Side, Bombay,
The Commissioners of Divisions,
The Collector, Bombay Suburban District,
All Heads of Offices under the several Departments of the Secretariat in Bombay City and the Bombay Suburban District,
All Departments of the Secretariat.

*by letter.

S.A.K.
25-5
4 copies

Submitted for informations.

2. The new timming may be followed with effect for the 15th morning morning In the meanwhile this may be circulated to all ~~x~~ members and peons.

Sd/-
13-4

Sbd.- D.E.
13-4

A.L.R. Sd/-
14-4
D.S. ~~XXX~~.D.
14-4

Secy. P.N. Moos
14-4

S.A.K.
25-5
4 copies

Submitted for information.

2. This may be circulated it to all the members in the Legal Department and them filed.

Sd/-
25-4

Supd Sd/-J.B. Dharandhary
29-4

S.A.S Sd/- R.T.Katarki
30-4

Sd/-
30-4
H.K.D.
30-4

S.AK.
25-5
4 copies

Govt. have decided at present that it will not move to Poona this year. This decision may be revised later if circumstances warrant.

In this connection it has been suggested that officers might be allowed to have bungalows in Poona to which their families can go and to which officers themselves can go for short periods. This will involve the question of total or partial concession in the matter of rent for bungalows retained in Bombay or at Poona. I am shall be glad if Secretaries can k make it convenient to meet in my room tomorrow at 12 noon to consider this question.

Sd/-

Chief Secretary.
3-4-1942

To.
All Secretaries to Govt.

D.S., ALS. A.B.R. , S.A.S. , A.S. , P.A. and office for information

M.K.D.
24-4

A.L.R. Sd/-
24-4

S.A.K.
25-5
4 copies

This is one of the many instances when previous opinions have been overlooked by the office. This lapse is either due to slackness on to one Branch not being made aware of opinions given in another Branch . will D.S. S.A.S. please look into this and put up proposals to see rectify the defect.

Sd/-P.N.Nees.

12-6

S.A.K.
25-5
4 copies

I have considered the matter and made inquiries as desired by D.S. after discussion.

2. This was proposal for filing an appeal in a Cr. Case and is governed by Item No. 7 of the A Branch Tabulate. The Tabulate doesnot expressly require any opinions to be put up. The usual practice is that the office does put up relevant opinions in such cases as involve questions which are likely to have been considered in L.D. but on which there is little guidance available in decisions of the High Court e.g. under Bombay Acts.

3. It is true that in this case the office failed to put up the relevant opinion of the Advocate General. While doing so it explained in a pencil note in the margin, that the files containing opinions under the Act were put up by the B Branch in another case. The office submitted the case through me, and (as proposals for appeal in Cr. Cases are always treated as ur urgent) I could not detain the case unless the A.L.R. re R.L.A. directed that it should be detained and put up afresh after the f les were available. In fact, the relevant opinion was put up immediately it was available on being required by the R.L.A. In future I think the best course would be for the P.A. specifically to raise the question whether the case should be detained till they are available and obtain A.L.R's orders on the point.

3. In accordance with para. 9 of the office order dated 21st July 1942 copies of

A.K.
25-5/ 4e.

opinions recorded in A Branch are sent to the
B Branch and vice versa. The searcher
in each branch will be ~~ek~~ asked to
take steps to see that each
members of the Branch, and each officer who has not previously seen it,
sees the copy. nofurther action appears necessary

Sd/-
12-6

S.A.S

Please see office order para 9, at slip 'C' below . These
orders were passed last year expressly with a view to keeping
the two branches ~~E~~ A and B in ~~E~~ touch with each other.
I have ascertained from members in both the branches that the
orders are followed and that the opinions given in eac branch are
circulated among members of the other branch.

2. P.A.'s note above shows that the failure to
put up the opinion in this case was ~~the~~ due to other
reasons explained by him. It appears that the opinions
was not put up because the file containing it
was already put up in another case and could
not be readily made available. In such cases, the proper course
is to state this ~~p~~ fact specifically in the note and take
orders for defention of the case and not to
submit the file without the relevent opinions. This course is
so far as I know followed seem at present generally but but
all the members in 'A' and 'B' may be again warned to
follow this procedure strictly in future.

Sd/-S.B.Palekar
13-6

A.L.R. Would some member of A branch please
discuss the indexing ruptem with me and bring a few
index cards.

Sd/-
14-6

(1) A should be done.

(2) In A -branch tabulation (d) , before the last centence, the following sentence should be inserted: "The office will however put up all relevant opinion and other files whever necessary before the papers are submitted to the A.L.R.P Sd/-N.K.D. /15-6

S.A.K./25-5/4copies

Are the opinions given in each branch circulated among all the members in that branch?

'A' (secretary) yes, Sir.

Sd/-
20-6

'B' (" ") The S.A.S's query is answered in the negative.

Sd/-
20-6

S.A.K.

25-5
4 copies

293 Confl
30-7

Noted & submitted for information.

J.R. Dhumankar.
6-5

Though R D and confidently clerk.

sd/-
7-5

S.A.K.
25-5
4 copies

93 Genfl
11-3

Submitted with pp.

Perhaps 200 copies of the form may be called for this department which will meet the requirements for a period of six years.

Draft memo is put up for approval & signature.

Sd/-J.N.Dharandhar
17-3

As far as L.D. is concerned the form got remodel as directed by Secy would have bee sufficed as it will e last member of years In this case thase there would be no need for calling these copies.

Sd/-
20-3

I agree

Sd/-S.S.Palekar.
20-3

A.L.R. M.K.D.
20-3

D.S. I also agree but suggest that for purposes of samples to be kept with each gazetted officer i L.D. we may call for about 10 (ten) copies of the printed form.

Sd/-
21-3-42

Secy. P.N.Moos
26-3

S.A K.
25-5
4 copies

No. 3040

Legal Department,

Bombay Castle, 8th April 1942.

MEMORANDUM.

The undersigned presents compliments to the Superintendent, Government Printing and Stationery, Bombay, and with reference to paragraph 3 of the Government Resolution, Political and Services Department, No. 2263/34, dated the 5th March 1942, is directed to requested- with that he will be so good as to supply this Department with ten copies of the form printed as an accompaniment to the Government Resolution Referred to above.

By order of the Governor of Bombay,

O.S. Assistant Secretary to the Government of Bombay,
Legal Department.

To.

The Superintendent,
Government Printing and Stationery, BOMBAY.

Sd/-
8-4-42

S.A.K.
25-5
4 copies

No. 4353

Legal Department.

Bombay Castle. 19th June 1942.

MEMORANDUM.

The undersigned presents compliments to the superintendent, Government Printing and Stationery, Bombay, and with reference to ~~his~~ Government Resolution, Political and Services Department, No. 8263/34, dated the 3rd June 1942, is directed to state that ten copies of the revised form may be supplied to this Department when printed.

By order of the Governor of Bombay.

O.C. Sd/-G.B.Palekar.

Assistant Secretary to the Government of Bombay.
Legal Department.

To

The Superintendent.
Government Printing and Stationery, Bombay.

S.A.K.
25-5
4 copies

Bombay and Mofussil Offices.

GOVERNMENT OF BOMBAY
Political and Services Department.
Resolution No. 7117.
Bombay Castle, 7th October 1942.

RESOLUTION OF GOVERNMENT.

In partial modification of the orders issued in Government Resolution, Political and Services Department No. 7117, dated the 23th April 1942, and Government Circular Memorandum, Political and Services Department, No. 7117, dated the 27th August 1942, the Government of Bombay is pleased to prescribe the following hours of work for Government offices (including the Secretariat) in Bombay City and the Bombay Suburban District, other than those offices for which hours are prescribed by the High Court:-

Week days : 10-30 A.M. (without any grace) to 5-30 P.M.

Saturdays : 10-30 A.M. (without any grace) to 2-00 P.M.

2. Government is pleased further to prescribe the following hours of work for peons in all Government offices in Bombay City other than offices under the control of the High Court:-

Week days : 9-45 A.M.(without to 7-00 P.M.

Saturdays : 9-45 A.M. to 4-30 P.M.

The Heads of Offices are authorised to prescribe the hours of work as from 9-45 A.M. to 6-30 P.M. to suit exceptional cases. On Saturdays peons may be required to wait after 4-30 P.M. by turns as may be necessary.

By order of the Governor of Bombay.

Sd/-
For (M.K.KIRPALANI).
Chief Secretary to the Government of Bombay.
Political and Services Department.

To

The Secretary to the Governor.
The Accountant General, Bombay.
The Prothonotary and Senior Master, High Court , Bombay.
The Registrar, High Court , Appellate Side, Bombay.
The Commissioners of Divisions.
The Collector , Bombay Suburban District.
All Heads of Offices under the several Departments of the Secretariat in Bombay City and the Bombay Suburban District.
All Departments of the Secretariat.

S.A.K.
23-5 / Peons.

Legal Department.

Submitted.

2. According to the orders contained in this G.M. the following hours of work are prescribed:-

Week Days — 10-30 A.M. to 5-30 P.M

Saturdays — 10-30 A.M. to 2 P.M.

Without grace.

3. Subject to approval, the above timings may be observed in this Deptt. from the 9th inst.

4. File in se/43

U.R.
7/

Sd/-M.R.Dhumandhar.
7-10

P.A.S.
7-10.
A.S. Sd/-
8-10
S.A.S. R.T.Katarki
8-10
Sd/-
8-10
A.L.R. Sd/-
8-10
D.S. M.K.D.
8-10

Secy. P.M.Meos
8-10

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CONFIDENTIAL.

Government of Bombay.
Public Works Department.
Circular Memorandum No. 6190/36
Bombay Castle, 6th October 1942.

GOVERNMENT CIRCULAR MEMORANDUM.

As instances of sabotage and setting fire to Government buildings are coming to light it is essential that all possible steps should be taken to guard against anything of this natu-re. Officers in charge of Government building should , therefore, take immediate action in this direction, and should see that the utmost care is exercised when closing and locking up buildings, that strangers are not admitted or if admitted are watched carefully, and that all chowkidars are warned to remain vigilant and alert.

By order of the Governor of Bombay.

R.R.HAMMITT.
Deputy Secretary to Government.

To

The Registrar, High Court, Appellate Side.
The Prothonotary and Senior Master, High Court, Original Side.
All Heads of Offices.
The Accountant General, Bombay.
All Departments of Secretariat.

No. of 1942.
Copy forwarded for information and guidance ...

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4 copies

Official correspondence.

Prompt disposal of --.

Government of Bombay
Political and Services Department.
CIRCULAR MEMORANDUM.
No. 804 /34-B.

Bombay Castle, 4th December 1942.

GOVERNMENT CIRCULAR MEMORANDUM.

It has come to the notice of Government that in a case regarding the grant of a pension to the family of a Government servant who was killed in the recent disturbances, papers were submitted to Government about more than two months after receipt of the proposal from the Head of Department concerned.

Government accordingly directs that orders on questions regarding the grant of pensions or gratuities to injured Government servants or to dependants of those injured or killed in the disturbances or of compensation to those whose properties have been damaged, should issue within 15th days of receipt of proposals by the administrative departments unless delay of a specified number of days is sanctioned personally by a secretary to Government.

By order of the Governor of Bombay.

Sd/-

For Chief Secretary to the Government of Bombay.
Political and Services Department.

To

All Departments of the Secretariat.

S.A.I.
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Copies of an extract from the Office note, dated the 17th December 1942 and the notes of the Assistant Secretary, Under Secretary, Secretary and Adviser (Finance) thereon.

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x x x x x x x x x x x x x x x x x x x x x x x x x x x x x x x x x x x

It is, therefore, respectfully suggested that while not modifying the decision to restrict the x-mas holidays to the days now sanctioned (3 days), orders may issue giving Heads of Offices discretions, provided the state of work in their offices permits, to keep their offices open with a limited staff only on the days (7 days) which have not been declared as public holidays. This would enable a number of Government servants to get off and have a much needed rest and change of air. It may be pointed out in this connection that the courts of the Chief Presidency Magistrate, Presidency Magistrates and small Causes have been permitted to have the x-mas Vacation. It is understood that the Bombay High Court also proposes to close for this period, possibly longer i.e. full, two weeks in the case of the High Court.

Different considerations no doubt arise in the case of Magistrates and Judges, but Government staffs in all offices including those in public courts are governed by the same. That apart, the pleasure of relaxation at the end of a strenuous year seems to my mind quite good enough. I therefore venture to support "A" above.

Id/- C.K.M(aru).
17-12

I support it also.
Id.- J.C.(haves).
17-12-42

The proposal will probably mean in actual practice that the offices will be closed during these 7 days with skelet on staff attending for very urgent work. This will practically nullify the orders already issued.

I am afraid I cannot support "A"

Id/- K.L.P(anjabi).
18-12

I am afraid offices must be fully open on days which are not public holidays. Officers and establishment needing rest and relaxation must take it by going on leave in rotation as work permits at other times.

The orders should be passed on to all Departments of the Secretariat in case a similar misunderstanding exist in other Departments.

Id/- H.F.K(night).
18-12

****

No. P. 13-B
Political and Services Department.
Bombay Castle, 23rd December 1942.

Forwarded to all Departments of the Secretariat for information and guidance.

By order of the Governor of Bombay,

C.K.MARU,

For Secretary to the Government of Bombay,
Political and Services Department.

No. 1251
23-12-4.

Copy of Government Notification Political and Service Department (Home) No. S. 45/6, dated the 19th April 1941.

"The Governor of Bombay is pleased to appoint Mr. N.N.Vakil, LL.B. Deputy Registrar, Court of Small Causes, Bombay, to officiate as Registrar, Court of Small Causes, Bombay, vice Mr. E. T . Baptista , ES . S., proceeding on leave , with effect from the 21st April 1941."

Copy of letter from the Accountant General, Bombay, to Mr. E. T.Baptista, Registrar, court of Small Causes, Bombay. Mr. G. IV . N.C. 653, dated the 13th June 1941.

"Pending the receipt of your charge re ort of tak.-g over charge and specific orders of appointment on return from leave as required by rule 704 of the B.C. S.Rs., the bill has been provisionally passed for payment."

Extracts from notes recorded thereon in Secretariat Departments.

Home Department.

Please see Government Notification, Political and Services Department (Home) No. S.45/6, dated the 21st April 1941, granting leave to Mr. Edwin T.. Baptista, Registrar, Court of Small causes, Bombay. It will be seen that Government intended that Mr. Baptista, on return from leave, should resume his duties as Registrar of the Small Causes Court , Bombay, on 9th June 1941. It may also be noted that it has not so far been the practice in this Department to notify the appointments of officers granted leave unless the intention of Government is that they should be posted to posts other than the post they held prior to going on leave; and this has been not done especially in the cases of Bombay officers e.g. Presidency Magistrates, Judges of Small Causes Court, Bombay, etc. who are not liable to transfer to any other posts. According to B.C.S.R.704 it appears that such a notification is necessary. But however, in view of the practice so far followed, the Accountant General may be informed that it is not necessary to notify the appointments of officers returning from leave and who are intended to resume their old posts. Finance Department may see U.O. before this is done.

For orders.

Id/-
30-6-41
U.O. --- F.D. may advise.

Id/- S.C.M(urve) 1/7

Finance Department.

xxxx xxxx xxxx xxxx

Obviously the practice must conform to the rule not rule to the practice unless there are circumstances justifying non-enforcement of rules. In this case the mere fact that a particular practice contrary to rules has been established will not justify non-compliance with the clear and specific provisions of the rules. H.E. may be requested to comply with the rule 704. So long as that rule stands there is no alternative.

Id/- V.S.(hankar) 3-7

S.A.K.
25-5 / 4copies

Home Department.

xxx xxxx xxx xxxx

2. The F.D.Dy. Secy. says that the provisions of B.C.S.Rule 704 should be complied with in all cases. The incumbents of the posts of the Registrar, Small Cause Court, Bombay, and the Judges of that Court (including the Chief Justice) and the Registrar, Presidency Magistrates' Courts and the Presidency Magistrates (including the Chief Presidency Magistrate) are not liable to transfer to any posts other than those held by them and, on return from leave they resume, as a matter of course, the posts they held before going on leave. It is on this ground that specific orders are not issued regarding the resumption of the posts by the officers concerned on return from leave, nor has Accountant General raised (charge reports are sent to the A.G. by these officers) any objection in the past on this account. No such orders are also issued in the case of Police Officers in the Bombay City, except those Deputy Commissioners of Police who are to be transferred out of Bombay. It is, therefore, for consideration whether specific orders need issued in these cases, as suggested by the F.D.Dy. Secy.

Id/- 3. The P.& S.D. may see these papers u.s. for remarks
11-4-41
U.S. ---- Id/- S.G.B(arve) 14-7
Secy.---- Id/- J.M.S(Maden) 15-7

Political & Services Deptt.
(C.Br.)

It is not clear on what particular point the fresh remarks of P.& S.D. in this case are required. The D.S. , F.D. has in his note taken the view that whatever may be the past practice it cannot be allowed to set aside the provisions of B.C.S.R. H.D. may be advised to issued a notification reappointing Mr. Baptista to the same post on return from leave and follow the same procedure in similar cases infuture. If H.D. considers that the issue of such notifications is unnecessary it may perhaps take up separately with F.D. the question of amending the present B.C.S.R. 704 .

Id/- S.G.D.
16-7
U.S. ---V.H.V(Mahhrajani) 19-7

Home Department.

2. The P.& S.D. advises that the provisions of B.C.S.R . 704 should be adhered to so long as the rule remains. It, however, states that if H .D. considers such a notification unnecessary, the question of amending the rule suitably may be taken up separately with the F.D.

3. In this connection attention is invited to the D.S. , F.D's note, dated 3-7-41. It appears that there are circumstances justifying the non-adherence to the rule and following the convention set up in this Department as regards ratifying the appointments of such officer, on return from leave , to posts they held before they went on leave and which alone they can ordinarily resume, there being not a semblance of a chance of their being appointed to other posts, would not only be superfluous , but would not justify the labour and time now wasted on it. The convention has its utility especially in the present days. However if it is considered that the letter of the rule should always be above convention., then the necessary notification appointing Mr. Baptista., on return from leave, to be Registrar, Court of Small Causes, Bombay, may be issued.

Draft put up.
Id/-
22-7-41.

After issue the papers may again be referred u.o. to F.D. for considering the question of amending B.C.S.R. 704 .
Id/-
22-7-41

U.S. ---Unless there are strong objections to doing so, it seems prima facie desirable to avoid the labour of issuing such notifications as regards the classes of officers mentioned on p. 2 ante.
Id/- S.G.B.(arve)
25-7

Finance Department.

Submitted with reference to the Dy Secy's note dated 3-7-41. The H.D. has since issued the notification appointing Mr. Baptista to the post. We also see the note by the U.S., H.D. dated 25-7-41. The H.D. has sent these papers to this Deptt. for considering the question whether B.C.S.R. 704 should be amended. This rule is based on Article 276 of the C.S.Rs. and S.R. 241 of the Govt. of India on page 400 of A.G.P.T's Manual. The rule is of a long standing and it is doubtful whether there is any need to amend it to provide for the classes of officers mentioned xxx. It does not seem desirable to make any exception to the general rule without exceptional reasons. The fact that the observance of the rule requires certain routine procedure cannot be considered an adequate reason for amending the rule. The H.D. states that the officers referred to on xx resume, as a matter of course, the posts they held before going on leave. But if the leave granted to such Mofese officers is leave on medical certificate, the competent authority has to see whether looking to the provisions of B.C.S.Rs. 640 and 641 , the officer concerned should resume the charg of the same post or not. In view of these rules, it does not seem necessary to modify the rule. If the H.D. wants to avoid the issue of a new Notification when the officer returns from leave, this can be done by informing the Accountant General at the time of issuing the Notification granting leave that the officer will be reposted to the same post on return from leave. The A.G. may be requested u/c. to advise in the matter and state whether the course at 'A' above would suffice in the present case. As regards 'B' on p. 2 ante, the Accountant General may state what procedure is followed in the case of police officers in the Bombay City.
Id/-
19-841
D.S. ----I think this is one of those cases in which compliance with formality, even though a little inconvenient, is in the interests of communicating information to audit. Perhaps two notifications are not necessary. It is quite possible to issue simultaneous instructions to A.G. about the posting on return from leave. This will, I think, comply with Rule 704 also. A.G. may see and state if he agrees with this view. It is useless pursuing the question of City Police.

Id/- V.S.Bhanker) 10-8841.

Accountant General's Office, Bombay.

Returned to the Finance Department .

This office agrees with the view of the Deputy Secretary, Finance Department. In such cases it is unnecessary to issue two notifications. It will suffice if instructions regarding reposting on return from leave are also included in the original notification regarding the grant of leave.

Id /- A.A.G. 27-8/41.

S.A.I.
25-8/ 4 Gen.

Finance Department.

Home Department.

Please see Under Secretary's note, dated 25-7-41 and the office note underlying it.

2. It will be seen from the Finance Department notes and the A.G's u.s.r. that it is not necessary to amend B.C.S.R 704 in the cases of officers ordinarily resuming their posts which they held prior to going on leave. The F.D. and A.G. both suggest that specific orders regarding reappointment on return from leave may be issued with the notification granting leave to such officers. This course seems to be quite regular and would not entail rectifying. We may therefore agree to it. No further action is required on those papers which may now be filed after they are shown to F.& A.D.
Id/-
3-9-41
U.S. Id/- S.G.M(arve) 1499

Copy of letter from the Commissioner of Labour, Bombay, No. 5227, dated the 7th October 1942 to the Chief Secretary to Government, Political and Services Department, Bombay.

Subject:- Re.Leave to Mr. E.J.S.Ram, Labour Welfare officer, Bombay.

Reference is invited to P.& S.D. Notification No. S-20-8 dated 28th July 1942 granting earned leave for thirty days with effect from 7-7-1942 (both days inclusive) to Mr. E.J.S.Ram, Labour Welfare Officer, Bombay . On return from leave, Mr. Ram assumed charge of the post of the Labour Welfare Officer, Bombay, with effect from 6-8-42 . The Accountant General, Bombay, has pointed out that orders of Government are necessary reappointing Mr. Ram to the post of the Labour Welfare Officer, Bombay, vide rule 704 of the B.C.S. Rules . It is therefore requested that necessary orders may kindly be issued at an early date

Copy of Government Notification Political and Services Department, No.S-20/8 dated the 15th December 1942.

-x-

"On return from leave Mr. E.J.S.Ram was permitted to resume charge of his appointment as Labour Welfare Officer, Bombay , with effect from the 6th August, 1942".

Political and Services Deptt.
(E)

2. Mr. Ram is a substantive holder of the post of L.W.Officer, Bombay . In the absence of orders to the contrary he resumes charge of his post, on returnfrom leave. It is not customary to issue orders of reappointment in such cases. For instance, when Mr. Ram resumed charge as L.W.O., Bombay on return from leave granted to him in Government Notification . P.& S.D., No. S. 20-8 , dated the 22nd June 1942, no orders regarding re-appointment of Mr. Ram to the post were issued. The A.G. did not raise

S.A.K.
25-5
4 copies

raise any objection on that occasion.

Id/-
5-11-42.
A.S.— There is nothing in B.C.S.Rule 704, which requires a notification of the resumption of duty by an officer in the post from which he went on leave. My impression is that such a notification is not usually issued and no reason appears to exist for making an exception to the practice, in this particular case. Moreover it is not clear whether the A.G. wants us to issue a "resumption" or a "reappointment" notification. And since in any case no notification of either kind was issued when this very officer returned from leave on a previous recent occasion, it is as well that A.S. sees U.O. and makes the position clear by giving reasons in support of the line he wants us to adopt now.

Id/- U.K.M(ara)
5-11-42.

Accountant General's Office.

Returned to the Political and Services Department.

2. A reference in this connection is invited to this office U.O. Reply No. G. IV 1206, dated 27th August 1941 and Finance Department notings in the case of Mr. Kavim [illegible]. Registrar, Court of Small Causes, Bombay.

Sd/-
A.S.G. 14-11-42.

Political and Services Department.

3. Please see the F.D. note, dated the 19th August 1941 and the note of the A.G. dated the 17-8-41 at p. 3 ante. The view taken by the F.D. and the A.G. is that if instructions regarding reposting on return from leave are also included in the original notification regarding the grant of leave, it is unnecessary to issue a second notification regarding reappointment. An Govt. Notification, P. & S.D.No.S . 20-S dated the 2nd June 1942, as orders regarding reposting of Mr. Ram to the post were issued. In the circumstances the draft notification as amended , and the endorsement may issue.
Id/-
25-11-42
A.S.— (The discussion in A.F. file S. 45/C should have been circulated to all Departments of the Secretariat for information and guidance. This may be done now, so as to ensure uniformity of procedure).

I am not sure that it is correct to say that Mr. Ram is appointed to be I.W.C., Bombay) as U.S. I.C. before proceeding on leave and continued to be so on leave. I would suggest the alternative formula: 'On return from leave, Mr. Ram was permitted to resume charge of his appointment as I.W.C. , Bombay.' That should satisfy the rule and yet be in accord with the fact. F.D. may see, if approved.
Id/- U.K.M(ara) 26-11
U.S. "A" seems preferable. F.D. may see.
Id/-J.C(Services) 27-11-42

U.S. Id/- U.K.M(Irvalent) 27/11

S.A.K.
25-5 / 4copies

Finance Department

The formula suggested may be agreed to as suitable in the present case and as being one in accord with facts.

Id/-
7-12-42

D.O. .....Id/-M. A.P.M(athuran.).
8-12-42.

No. 1/5- pptn
Political and Services Department.
Bombay Castle. 23rd December 1942.

Forwarded to all Departments of the Secretariat (except the Separate Department) for information and guidance.

By order of the Governor of Bombay.

Sd/-
For Secretary to the Government of Bombay,
Political and Services Department.

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